

REMARKS

The present reply is submitted in response to the Office Action dated October 19, 2005. In the Office Action, the Examiner rejected claim 24 under 35 U.S.C. § 112, second paragraph, as failing to particularly point out and distinctly claim the subject matter which the Applicants regard as the invention. In addition, claims 1-14, 20 and 22 are rejected under 35 U.S.C. § 102(e) as being anticipated by Conner et al. (20050194453). Claims 15-17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Conner et al. in view of Kaminsky (20040121257). Further, claims 18-19 and 23-24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Conner et al. in view of Roberts (U.S. Patent No. 6,025,283) and further in view of Makishima (U.S. Patent No. 3,468,046) and Biller (U.S. Patent Publication No. 20030150762). Still further, claim 21 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Conner et al. in view of Hinata (U.S. Patent Publication No. 20030202151). Finally, claim 25 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Conner et al. in view of Hara (U.S. Patent No. 4,876,441).

35 U.S.C. § 112, SECOND PARAGRAPH

With respect to the rejection of claim 24 under 35 U.S.C. § 112, second paragraph, as failing to particularly point out and distinctly claim the subject matter which the Applicants regard as the invention, Applicants respectfully submit that claim 24 has been amended to depend from claim 23, instead of claim 1, as suggested by the Examiner.

35 U.S.C. § 102(e)

With respect to the rejection of independent claim 1 under 35 U.S.C. § 102(e) as being anticipated by Conner et al., Applicants respectfully submit that the claims, as amended, define the invention over Conner et al., or any other cited reference of record, taken alone or in

combination. More specifically, independent claim 1 has been amended to define a first layer of metal wherein said first layer of metal comprises embossed characters. This feature is nowhere disclosed in Conner et al., or any other reference of record.

FIGS. 12, 13 and 15 of Conner et al. show an embodiment illustrating embossed characters protruding from a surface of a transaction card. However, neither these figures, nor the description of these figures in the specification of Conner et al. discloses or teaches a metal layer comprising the embossed characters, as defined in independent claim 1. Specifically, Conner et al. states, “The top layer **28** is fabricated from about 0.0055 inch thick material and has characters **30** embossed as shown in FIGS. 12, 13 and 15.” Para. 0079, lines 8-10. Further, Conner et al. state, “An alternative construction is to make layer **28** of plastic and print the artwork with a die sublimation process.” Para. 0080, lines 9-10. These citations represent the only description of materials utilized in the construction of layer **28**. Nowhere does Conner et al. indicate that layer 28, having the embossed characters disposed therein, is metal. As noted above, the only material disclosed is plastic, which is well-known in the art of making transaction cards.

Since Conner et al. fail to teach or disclose the elements defined in amended independent claim 1, the rejection thereto has been overcome and, respectfully, should be withdrawn.

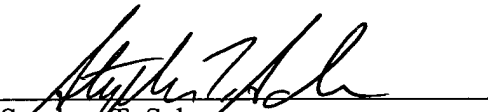
Claims 2-25 depend from independent claim 1. These claims are further believed allowable over the references of record for the same reasons set forth above with respect to their parent claims since each sets forth additional structural elements of Applicants’ novel transaction card.

CONCLUSION

In view of the foregoing remarks and amendments, Applicants respectfully submit that all of the claims in the application are in allowable form and that the application is now in condition for allowance. If, however, any outstanding issues remain, Applicants urge the Examiner to telephone Applicants' attorney so that the same may be resolved and the application expedited to issue. Applicants respectfully request the Examiner to indicate all claims as allowable and to pass the application to issue.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP



Stephen T. Scherrer
Registration No. 45,080

227 West Monroe Street
Chicago, IL 60606-5096
Phone: 312.372.2000
Facsimile: 312.984.7700
Date: January 31, 2006

**Please recognize our Customer No. 1923
as our correspondence address.**